

S/N 10/542,914

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Alfred Marchal	Examiner:	Valenrod, Yevgeny
Serial No.:	10/542,914	Group Art Unit:	1621
Filed:	March 7, 2006	Docket No.:	09997.0127USWO
Customer No.:	23552	Confirmation No.:	9556
Title:	USE OF A COMPOSITION COMPRISING VITAMIN K1 OXIDE OR A DERIVATIVE THEREOF FOR THE TREATMENT AND/OR THE PREVENTION OF MAMMAL DERMATOLOGICAL LESIONS		

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DECLARATION OF DR. KARAVANI UNDER 35 U.S.C. § 1.132

1. I, Dr. ILAR (please insert first name) Karavani, declare as follows:
2. I am an expert in the field of the invention and am familiar with the specification and prosecution history of U.S. patent application serial no. 10/542,914 filed July 20, 2005. The 10/542,914 application is a national stage application of international application no. PCT/BE/04/0011 filed January 20, 2004.
3. It is my understanding that the Office Action mailed August 18, 2009 states at page 5 that "applicant has indicated that [prior] art recognizes cosmetic creams containing vitamin K oxide are more topically active then the vitamin K creams (Exhibit A, under the section Pharmacological aspects lines 7-8)" and at page 6 that "[a]pplicant has conceded that [prior] art recognizes [v]itamin K oxide creams are more topically active than cosmetic vitamin K cream (Exhibit A, under the section Pharmacological aspects lines 7-8)". Exhibit A is the Exhibit A that accompanied my declaration under 37 C.F.R. § 1.132 filed April 10, 2007. These statements in the Office Action regarding what was recognized in the prior art are not correct as neither the study of Exhibit A nor the studies that I was referring to at lines 7-8 of the Pharmacological aspects section of Exhibit A were publicly available prior to January 20, 2004.

4. I was retained by the inventor, Dr. Alfred Marchal, as an expert to perform experimental studies for the assignee Auriga International. One of the studies I performed for the assignee was the study of Exhibit A entitled "Topical use of vitamin K oxide: A clinical evaluation of postoperative bruising and edema." This study was transmitted to the assignee by me and was not publicly disclosed prior to January 20, 2004.
5. As an expert for the assignee, other experimental studies performed for the assignee were made available to me. The studies that I was referring to at lines 7-8 of the Pharmacological aspects section of Exhibit A were experimental studies performed for the assignee which evaluated vitamin K1 oxide compared to vitamin K1 for treating bruising (ecchymosis). In these studies, cosmetic creams containing vitamin K oxide were found to be more topically active than cosmetic creams containing vitamin K. These studies were provided by the assignee to me in my capacity as an expert for the assignee and were not publicly disclosed prior to January 20, 2004.
6. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful and false statements may jeopardize the validity of the application or any patent issuing thereon.

Han Karavani

Dated: 15 - FEBRUARY - 2010

(please insert first name) Karavani, Ph.D.